

Copies Mailed/Faxed
Chambers of Vincent L. BriccettiUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DARIUS MONROE

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.

21-CV-4901 (VB)

ORDER DIRECTING ORIGINAL
SIGNATURE

VINCENT L. BRICCETTI, United States District Judge:

Petitioner, proceeding *pro se*, submitted this petition for a writ of *habeas corpus* under 28 U.S.C. § 2241 without a signature. Rule 11(a) of the Federal Rules of Civil Procedure provides that “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name – or by a party personally if the party is unrepresented.” Fed. R. Civ. P. 11(a); *see* 28 U.S.C. § 2242 (A *habeas corpus* petition “shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf.”). The Supreme Court has interpreted Rule 11(a) to require “as it did in John Hancock’s day, a name handwritten (or a mark handplaced).” *Becker v. Montgomery*, 532 U.S. 757, 764 (2001).

By July 19, 2021, Petitioner must resubmit the petition with an original signature. A copy of the two-page petition is attached to this order. Petitioner shall mail the signed petition to the following address:

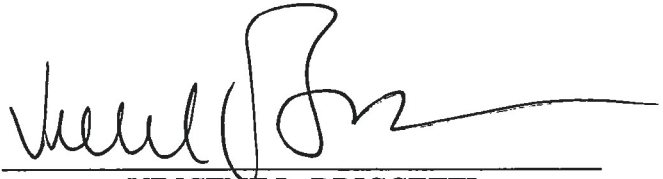
United States District Court
Pro Se Clerk
300 Quarropas St.
White Plains, NY 10601

No answer shall be required at this time. If Petitioner complies with this order, this action shall be processed in accordance with the procedures of the Clerk's Office. If Petitioner fails to comply with this order within the time allowed, the Court will deny the petition.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: June 16, 2021
White Plains, New York



VINCENT L. BRICCETTI
United States District Judge

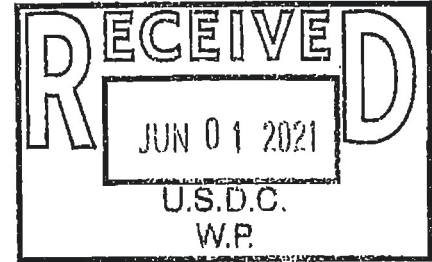
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DARIUS MONROE,
Petitioner,

No: 18-CR-585

v.

UNITED STATES OF AMERICA,
Respondent.



28 U.S.C. § 2241 MOTION
FOR REDUCED SENTENCE DUE TO THE CHANGE
OF LAW TO THE 21 U.S.C. § 846 VIOLATION
NOW NOT BEING A PREDICATE OFFENSE FOR THE
CAREER OFFENDER ENHANCEMENT

I, DARIUS MONROE, now find that one of my violations doesn't fit for the enhancement for which I am a Career Offender. I ask the Court to reduce my sentence and remove the word "career offender" off my case because the Supreme Court, dated December 10, 2018, which was after my case has stated that 21 U.S.C. 846 no longer qualifies me as a career offender. I also seek relief under the First Step Act (FSA) for the reduced sentence from the career offender due to these cases, United States v. Lancaster, No. 20-6571 (4th Cir. 2021). Also, see 5th Cir., United States v. Smith,

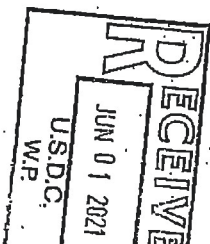
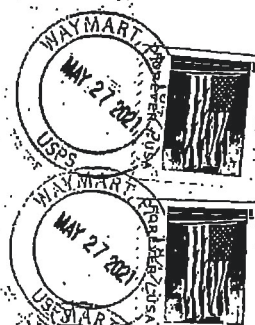
No. 20-50304; Also, see United States v. Chambers, 956 F. 3d 667, 672 (4th Cir. 2020). Also, see United States v. Owens, No. 20-2139 (6th Cir. 2021).

Respectfully Submitted,

Darius Monroe

Jarius Monroe #8584.054
c/o Lannan
Box 300
apartment, P.O. 18472

US
SDNY
EAST



United States District Court
Southern District of New York

300 Quail Road St

White Plains, NY 10601